

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

David Stebbins)
Plaintiff/Appellant)
)
v.) Case No. 24-4992
)
John Doe (dba "Creetosis") and YouTube LLC)
Defendants/Appellees)

MOTION TO RESET BRIEFING SCHEDULE

Comes now, pro se Appellant David Stebbins, who hereby submits the following Motion to Reset Briefing Schedule in the above-styled action.

The Opening Brief has already been filed. Therefore, the Answer Brief should be due on

September 15, 2024.

1. This was a simple appeal, owing to the fact that the district court gave me so little to work with and, therefore, there was very little to unpack.
2. Because of this, I have already filed the Opening Brief in this case on August 15, 2024.
3. Currently, the Appellees have until October 28, 2024 to file their Answer Brief. That gives them a total of seventy-four days to respond to a brief whose supplemental argument section was only six pages long. Moreover, if the Appellees avail themselves of their Streamlined Request for Extension of Time to File Answer Brief, the time they have to respond would be extended to a whopping 104 days, which is just excessive to an almost vulgar degree.
4. The Briefing Schedule is designed so that the Appellees have thirty (30) days from the date the Opening Brief is filed. Now that the Opening Brief has already been filed, the Appellees should have their Answer Brief ready in 30 days from that date.
5. I therefore humbly ask the Court to adjust the Briefing Schedule so that the Answer Brief is due on September 15, 2024.

I ask the Court to consider setting an even earlier date for the Answer Brief, owing to the simplicity of the instant case.

6. Although I will not complain if the Court sets the new deadline for the Answer Brief to

September 15, I humbly ask the Court to consider an even shorter, more expedited briefing schedule.

7. Again, this is a very simple case. There really are only three issues on appeal: (1) Does the District Court have a duty to give findings of fact and conclusions of law when it dismisses a complaint for failure to state a claim, (2) are all eight claims in the Complaint (not just seven out of eight¹) so manifestly without merit that the aforementioned explanations would just be a waste of time and insult to the Court's intelligence, and (3) does the District Court commit reversible error when it does not even consider the possibility of granting leave to file an amended complaint?

8. The first and third issues seem exceptionally simple to answer, and the second one would require the Appellees systematically go through *all eight* claims and justify how each and every one of them is frivolous and meritless, and how said frivolity is so apparent from the face of the Complaint² that the fact that I need to be told this demonstrates an astonishing lack of mental capacity on my part, the kind that calls into question my very fitness to live on my own and take care of myself, let alone represent myself adequately in court.

9. But even if the Complaint does in fact rise to that exceptionally high level of frivolousness, why would the Appellees waste precious time and attorneys fees explaining that in a brief, when they could just as easily trust that the three justices assigned to decide this case have the third grade or greater education that I clearly lack?

10. So either way, this case is an incredibly simple one. Therefore, it is deserving of an expedited briefing schedule.

I ask that the Appellees be precluded from using the Streamlined Request for Extension of Time to File Answer Brief

11. In addition, because of the simplicity of the instant case, I humbly ask the Court to consider whether Appellees should be allowed to avail themselves of the Streamlined Request for Extension of Time to File Answer Brief. As I explained above, they probably don't even need

1 As I explain in ¶ 3 of my Supplemental Argument, if even one claim adequately states a claim upon which relief can be granted, I am still entitled to my day in court on that one claim.

2 Despite copyright infringement claims identical in merit to this one still passed the exact same review earlier this year in Case 3:24-cv-00398-LJC (Stebbins v. Garcia Baz)

thirty days, let alone the 74 days they currently have. Asking for an additional thirty days on top of that would just be excessive.

12. Just to be clear, I am not asking that this Court refuse to grant them an extension of time for any reason. I am merely asking that the Appellees be restricted to motions for extension of time for good cause shown. I am merely asking that they not be permitted to milk this case and delay delay delay for as long as they possibly can, simply for the sake of delaying. In light of how simple this case is, any requests for extension of time to file their Answer Brief should carry a rebuttal presumption that they don't actually need this extra time are just looking to disingenuously cause delay for its own sake, and that presumption, although rebuttal, cannot be rebutted through the Streamlined Request.

Conclusion

13. Wherefore, premises considered, I respectfully pray that this Motion to Reset Briefing Schedule be granted.

So requested on this, the 15th day of August, 2024.

/s/ David Stebbins
David Stebbins (pro se)
123 W. Ridge Ave.,
APT D
Harrison, AR 72601
870-204-6516
acerthorn@yahoo.com